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Department of Defense INSTRUCTION

December 26, 1995
NUMBER 5105.57

USD(P)

SUBJECT: Procedures for the U.S. Defense Representative (USDR) in Foreign Countries

- References: (a) DoD Instruction 5105.57, "Procedures for the U. S. Defense Representative," August 29, 1992 (hereby canceled)
- (b) DoD Directive 5105.47, "U.S. Defense Representative (USDR) in Foreign Countries," September 20, 1991
- (c) Section 3927(a)(1) of title 22, United States Code
- (d) DoD 4500.54-G, "DoD Foreign Clearance Guide," May 5, 1995, authorized by DoD Directive 4500.54, May 1, 1991
- (e) Section 164 of title 10, United States Code
- (f) DoD Directive C-5105-32, "Defense Attaché System (U)," March 23, 1973
- (g) DoD Directive 5132.2, "DoD Policy and Responsibilities Relating to Security Assistance," March 10, 1981
- (h) DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," November 1986, authorized by DoD Directive 8910.1, June 11, 1993

A. REISSUANCE AND PURPOSE

This Instruction reissues reference (a), implements the policy and responsibilities contained in reference (b), and prescribes procedures for the USDR.

B. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, Unified Combatant Commands, Office of the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components")

C. POLICY

It is DoD policy that:

1. The USDR shall act as the in-country focal point for planning, coordinating, and executing support to U.S. Government officials for in-country U.S. defense issues and activities that are not under the mission authority exercised by parent DoD Components. The USDR shall act as the in-country representative of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Unified Combatant Commanders with geographic area responsibilities, to provide coordination of administrative and security matters to U.S. Government officials for all DoD noncombatant command elements in the foreign country in which the USDR is assigned. The

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USDR shall be the Chief of Mission (COM) single point of contact for these purposes, to assist the COM in carrying out his or her responsibilities under Section 3927(a)(1) of 22 U.S.C. (reference (c)). This Instruction will not be construed to give the USDR authority to direct, supervise, or represent DoD noncombatant command elements in the performance of missions directed by their parent DoD Components. The USDR will not become involved in intelligence matters.

2. The USDR in foreign countries is an additional duty title assigned to a military officer serving in a specifically designated position with prescribed authorities and functions. It is incumbent on all DoD noncombatant command elements to ensure that the proper support is provided to the USDR in fulfilling the requirements of this Instruction.

3. USDR duties shall be performed in coordination with the respective Unified Combatant Commander with geographic area responsibility.

D. RESPONSIBILITIES

1. The Assistant Secretary of Defense for International Security Affairs, under the Under Secretary of Defense for Policy, shall provide policy direction to Director, Defense Security Assistance Agency (DSAA) for USDR matters.

2. The Secretaries of the Military Departments shall:

a. Ensure that DoD noncombatant command elements under the direct control of the Military Departments deployed or deploying to a foreign country are aware of the USDR program, and shall contact the USDR upon arrival.

b. Ensure that the military personnel performance rating system of the Military Departments provides an opportunity for input from the Unified Combatant Commanders on the USDR's performance of USDR-specific duties.

3. The Chairman of the Joint Chiefs of Staff shall:

a. Provide recommendations to the Under Secretary of Defense for Policy (USD(P)) on USDR position designation actions.

b. Establish a USDR Program Review Board, with membership from the Director for Strategic Plans and Policy (J5), the DSAA, the Defense Intelligence Agency (DIA), and other appropriate offices.

4. The Unified Combatant Commanders shall:

a. Consult with U.S. COMs and recommend changes to USDR position designations to the Chairman of the Joint Chiefs of Staff, as appropriate.

b. Provide orientations for all newly assigned USDRs.

- c. Maintain by-country lists of all DoD noncombatant command elements provided by respective USDRs.
- d. Ensure that the USDR is informed of DoD noncombatant command elements deploying to a foreign country in accordance with procedures established in DoD 4500.54-G (reference (d)).
- e. Pursuant to Service regulations, provide appropriate comments for inclusion in the military performance reports of personnel serving as a USDR to reflect the performance of USDR duties. For Defense Attachés serving as USDRs, provide letter evaluation of the performance of USDR duties to the Director, DIA, for inclusion in appropriate military performance reports.

5. The Director, Defense Security Assistance Agency shall:

- a. Provide a representative to serve on the USDR Program Review Board.
- b. Ensure that training on the role and responsibilities of USDR and on the responsibility of DoD noncombatant command elements to support USDR is provided to all Security Assistance Organization (SAO) personnel.

6. The Assistant Secretary of Defense for Command, Control, Communication and Intelligence shall ensure that the Director, DIA shall:

- a. Provide a representative to serve on the USDR Program Review Board.
- b. Ensure that training on role and responsibilities of USDR and on responsibility of DoD noncombatant command elements to support USDR is provided to all Defense Attaché (DATT) System personnel.
- c. Ensure that the Unified Combatant Commanders and concerned COMs are afforded the opportunity to provide input to the military performance reports of personnel of the Defense Attaché System who are designated USDR, and that such input is reflected in the military performance reports.

7. The Heads of the DoD Components shall ensure that training on the role and responsibilities of USDR and on responsibility of DoD noncombatant command elements to support USDR is provided to noncombatant command element chiefs under their control.

E. PROCEDURES

In addition to checklist provided at the enclosure, the following applies:

- 1. The USDR Program Review Board shall conduct periodic surveys of USDR designations. Surveys shall solicit Unified Combatant Commander input and provide recommendation(s) on changes. Recommendations shall be forwarded through the Chairman Joint Chiefs of Staff to the USD(P).

2. USDRs shall:

a. Subject to the authority of the Unified Combatant Commander with geographic area responsibility, exercise directive authority over DoD noncombatant command element personnel in cases of emergency. This shall not preempt the authority exercised over DoD noncombatant command elements by the COM or the mission authority exercised by parent DoD Components, or the command authority exercised by the Unified Combatant Commander under the Unified Command Plan.

b. Subject to the authority of the COM, exercise coordinating authority for country team support and employ as many in-country DoD noncombatant command element resources as necessary to plan, coordinate, and support DoD elements that may be temporarily visiting and or deployed to a respective country.

c. Be prepared to provide information to U.S. Government officials on the general scope of in-country activities for all DoD noncombatant command elements. This includes the missions, locations, organization, and unique security requirements.

3. Chiefs of DoD noncombatant command elements are expected to resolve conflicting USDR task-related requirements with the USDR. If unable to achieve resolution within the country team, conflicts shall be referred to the respective Unified Combatant Commander with geographic area responsibility.

4. In countries where a DATF is not assigned, the USDR shall perform diplomatic-type representational responsibilities not otherwise assigned and act as the primary point of contact for DoD policy involving noncombatant command elements to the host-government defense establishment and to the COM.

5. USDR Reporting Channels. For those matters within the USDR role and responsibility, reporting channels shall be through the Unified Combatant Commander, through the Chairman Joint Chief of Staff, to the USD(P). Reporting channels for all other matters shall remain unchanged.

6. Chiefs, DoD Noncombatant Command Elements shall provide full cooperation and assistance, as relates to performance of USDR role and responsibilities, to USDR.

7. Nothing contained in this Instruction shall be construed to change:

a. The authority and responsibilities of the COM, as established in Section 3927(a)(1) of 22 U.S.C. (reference (c)).

b. The military chain of command from the National Command Authorities to the Unified Combatant Commanders, pursuant to Section 164 of 10 U.S.C. (reference (e)).

c. The authorities and responsibilities of the respective Heads of DoD Components to command their respective noncombatant command elements and to exercise control over technical, substantive, operational, and policy matters or control over internal administration of their respective elements.

d. The mission-related direct access of DoD noncombatant command elements to host government defense, military, and other officials in accordance with DoD Directive C-5105.32 (reference (f)) for Defense Attachés (DATTs) and DoD Directive 5132.2 (reference (g)) for SAO personnel.

e. The activities performed by DoD noncombatant command elements under mission direction of parent DoD Components, and the DoD interests and activities to be executed and supported by deployed combatant forces.

f. The functional roles and responsibilities of DoD noncombatant command elements to the COM.

g. Command relationships, responsibilities, and functions of DoD noncombatant command elements.

h. The authority and responsibilities of such designated representatives of the Secretary of Defense; e.g., "Secretary of Defense Representative in Europe."

F. INFORMATION REQUIREMENTS

The reporting requirements listed in this Instruction are exempt from licensing in accordance with paragraph E.4.b of DoD 8910.1-M (reference (h)).

G. EFFECTIVE DATE

This Instruction is effective immediately.



WALTER B. SLOCOMBE

Enclosure

USDR Checklist of Responsibilities

USDR CHECKLIST OF RESPONSIBILITIES

- A. Meet with the appropriate elements of the Joint Staff and applicable geographic Unified Combatant Commanders before assuming USDR duties in-country; provide applicable information to Unified Combatant Commanders, who will be afforded an opportunity to provide input on routine fitness, effectiveness, or efficiency reports reflecting the performance of USDRs responsibilities.
- B. Serve as the primary point of contact and coordinator to U.S. Government officials for in-country U.S. defense issues and activities that are not under the mission authority exercised by parent DoD Components; normal mission-directed functions (e.g., overflights and port calls handled by DATTs and security assistance and defense contracting activities handled by SAOs) shall remain unchanged.
- C. In countries where a DATT is not assigned, perform diplomatic-type representational responsibilities and act as the primary point of contact for DoD policy involving noncombatant command elements to the host-government defense establishment and to the COM that are not otherwise assigned.
- D. Provide advice and information to COM in accordance with USDR responsibilities; provide information on the general scope of in-country activities for all DoD noncombatant command elements, including the missions, locations, organization, and unique security requirements; and provide advice and information on defense matters not under the mission authority exercised by parent DoD Components.
- E. Act as the in-country point of contact for the Unified Combatant Commanders.
- F. Provide advice to the Unified Combatant Commanders on in-country resources, potential conflicting requirements, and other USDR-related issues.
- G. Coordinate country team support and employ as many in-country DoD noncombatant element resources as necessary to plan, coordinate, and support DoD elements that may be temporarily visiting and/or deployed to a respective country. This includes, but is not limited to, DoD high-level visits and Congressional Delegations. USDRs will request, as necessary, U.S. embassy support (such as motor pool, check cashing, currency exchange, commissary, etc.).
- H. Coordinate administrative and security matters for all DoD noncombatant command elements in country.
- I. Consolidate a list of all DoD noncombatant command elements assigned in-country (heads of DoD noncombatant command elements shall provide corresponding input) and submit annually by September 30 to the Unified Combatant Commander, with an information copy to Director Strategic Plans and Policy (J5).
- J. Work internally with other DoD noncombatant command elements to resolve potential conflicts.

K. Work to improve information flow, coordination, and interface among all DoD noncombatant command elements assigned to country; ensure redundant administrative and support functions are identified and referred to appropriate agencies for resolution; formalize information flow and coordination among DoD noncombatant command elements; conduct periodic coordination meetings with in-country DoD noncombatant command element chiefs; and maintain and disseminate information, as appropriate, to chiefs of other DoD noncombatant command elements.